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10/814,907	03/26/2004	Reinhold Kautzleben	6570P027	6322
8791 7590 06/13/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
LINDSEY, MATTHEW S				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/814,907

**Applicant(s)**

KAUTZLEBEN ET AL.

**Examiner**

MATTHEW S. LINDSEY

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 08 April 2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-32 are pending in this application. Claims 1, 13, 24, and 29 have been amended as filed on 8 April 2008.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-7, 13-17, 24-28, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath (US 2004/0019662) in view of Kekic et al. (US 6,664,978 B1).**

4. With respect to Claim 1, Viswanath discloses: "A monitoring system employed within a network ([0024], lines 1-5) comprising:

a file including semantics and directives to generate a monitor tree ([0025], lines 12-18), wherein the file is retrieved from a database ([0065], lines 9-12, specifically "database-based") by a monitor service ([0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must retrieve the meta

information); where the semantics and directives define a hierarchical architecture ([0063], second col., lines 1-8) of a plurality of resources of an application server ([0064], lines 12-14) of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3);

the monitor tree generated based, at least in part, on the Semantics and the directives of the file ([0025], lines 1-6) to monitor the plurality of resources ([0128], lines 1-4 and Abstract, lines 5-7), wherein the monitor tree includes a plurality of nodes ([0025], lines 14-18, where an hierarchical relationship among elements implies a plurality of nodes), each of the plurality of nodes having a monitor managed bean and a resource of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14)" and

"a visual administrator module to provide an interface to the monitoring system ([0087], lines 1-4)",

Viswanath does not disclose: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location" or "the visual administrator providing access to monitoring information of each resource without requiring all monitoring data to be reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node (Col. 2, lines 33-

38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)", and "the visual administrator providing access to monitoring information of each resource (Col. 2, lines 39-41) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-35, agent processes monitor and control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

5. With respect to Claim 13, Viswanath discloses: "A computer-implemented method employed within a network ([0024], lines 1-5) comprising:

accessing a file in a database ([0065], lines 9-12, specifically "database-based", and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7) where the semantics and directives define a hierarchical architecture ([0063], second col., lines 1-8) of a plurality of resources of an application server ([0064], lines 12-14) of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3);

generating the monitor tree based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of nodes)" and

"each of the plurality of nodes having a monitor managed bean and a resource of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14)".

Viswanath does not disclose: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location", or "and displaying, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator, wherein the displayed portion of the generated monitor tree includes the plurality of nodes", or "including providing access through the graphical user interface to

monitoring information of each resource without requiring all monitoring data to be reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node (Col. 2, lines 33-38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)",

"and displaying, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator, wherein the displayed portion of the generated monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object 305)", and

"including providing access through the graphical user interface to monitoring information of each resource (Col. 2, lines 39-41, where the SNMP manager can make requests for monitored information, and Col. 5, lines 40-44, where a network element is presented to a user through GUI, so the user can see a visual representation of the components of the computer network element) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-35, agent processes monitor and control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of

Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

6. With respect to Claim 24, Viswanath discloses: "A system (Abstract, line 1) comprising:

a means for accessing a file in a database ([0065], lines 9-12, specifically "database-based", and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7), where the semantics and directives define a hierarchical architecture ([0063], second col., lines 1-8) of a plurality of resources of an application server ([0064], lines 12-14) of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3);



a means for generating the monitor tree based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of nodes)" and

"each of the plurality of nodes having a monitor managed bean and a resource of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14)".

Viswanath does not disclose: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location", or "and a means for displaying, at least a portion of the generated monitor tree on a graphical user interface of a visual administrator, wherein the displayed portion of the generated monitor tree includes a plurality of nodes", or "including providing access through the graphical user interface to monitoring information of each resource without requiring all monitoring data to be reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node (Col. 2, lines 33-38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location (Col. 2,

lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)",

"and a means for displaying, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator, wherein the displayed portion of the generated monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object 305)", and

"including providing access through the graphical user interface to monitoring information of each resource (Col. 2, lines 39-41, where the SNMP manager can make requests for monitored information, and Col. 5, lines 40-44, where a network element is presented to a user through GUI, so the user can see a visual representation of the components of the computer network element) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-35, agent processes monitor and control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of

Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

7. With respect to Claim 29, Viswanath discloses: "An article of manufacture (Abstract, line 1) comprising: an electronically accessible medium providing instructions that, when executed by an apparatus, cause the apparatus to

access a file in a database ([0065], lines 9-12, specifically "database-based", and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7), where the semantics and directives define a hierarchical architecture ([0063], second col., lines 1-8) of a plurality of resources of an application server ([0064], lines 12-14) of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3);

generate the monitor tree based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of nodes)" and

"each of the plurality of nodes having a monitor managed bean and a resource of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14)".

Viswanath does not disclose: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location", or "and displaying, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator, wherein the displayed portion of the generated monitor tree includes the plurality of nodes", or "including providing access through the graphical user interface to monitoring information of each resource without requiring all monitoring data to be reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of the resources associated with the monitor managed bean of the node (Col. 2, lines 33-38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)",

"and display, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator, wherein the displayed portion of the generated monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object 305)", and

"including providing access through the graphical user interface to monitoring information of each resource (Col. 2, lines 39-41, where the SNMP manager can make

requests for monitored information, and Col. 5, lines 40-44, where a network element is presented to a user through GUI, so the user can see a visual representation of the components of the computer network element) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-35, agent processes monitor and control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

8. With respect to Claim 2, the combination of Viswanath and Kekic disclose: "The system of claim 1, wherein the monitoring system is a Java management extensions (JMX) - based monitoring system (Viswanath, [0120], lines 1-3)".

9. With respect to Claim 3, the combination of Viswanath and Kekic disclose: "The system of claim 2, wherein the visual administrator module comprises: a convenience interface to obtain information from the monitor service (Viswanath, [0046], lines 15-19); and a graphical user interface to provide a graphical representation of the monitor tree based, at least in part, on the information obtained by the convenience interface (Kekic, Col. 5, lines 40-51)".

10. With respect to Claims 4, 14, 25, and 30 the combination of Viswanath and Kekic discloses: "wherein the graphical user interface is to provide a window pane to display, at least a portion of, the graphical representation of the monitor tree (Kekic, Col. 5, lines 47-51 and Figure 3B, object 305)".

11. With respect to Claims 15, 26, and 31 the combination of Viswanath and Kekic discloses: "further comprising: selecting one of the plurality of nodes (Kekic, Col. 24, lines 22-27) the selected node having a monitor managed bean and a resource of the plurality of resources associated with the monitor managed bean (Viswanath, [0021], lines 1-7)".

12. With respect to Claims 5, 16, and 27 the combination of Viswanath and Kekic discloses: "wherein the graphical user interface is to further provide a second window pane to display a list of one or more properties for at least one of the plurality of nodes of the monitor tree (Kekic, Col. 23, lines 45-48 and Figures 6A and 6B, Object 603)".

13. With respect to Claims 6, 17, and 28 the combination of Viswanath and Kekic discloses: "wherein the list of one or more properties includes one or more key-value pairs, each key-value pair having a key to identify a listed property and a corresponding value to specify a current value of the identified property (Kekic, Figure 3B, under the heading "Status of "a\_hotspot"", "Attribute Name" heading and "Value" heading)".

14. With respect to Claim 7, the combination of Viswanath and Kekic discloses: "The system of claim 4, wherein the graphical user interface is to select one of the plurality of nodes of the graphical representation of the monitor tree (Kekic, Col. 23, lines 43-48) the selected node having a monitor managed bean (Viswanath [0119], lines 1-7)".

**15. Claims 8-12, 18-23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath in view of Kekic as applied to claims 7, 15, and 30 above, and further in view of Fuchs (US 2003/0177477 A1).**

16. With respect to Claims 8 and 18, the combination of Viswanath and Kekic disclose: "wherein the graphical user interface is to further provide a second window pane having an attribute tab (Kekic, Figure 3B, under the heading "Status of "a\_hotspot"", and Col. 24, lines 12-13)".

The combination of Viswanath and Kekic do not disclose: "and an operation tab".

However, Fuchs discloses: "and an operation tab ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath in view of Kekic with the teachings of Fuchs to include support for a interface having an operations tab. Motivation to combine these references comes from Kekic, "As a user looks at the visual display in the graphic user interface, the user is provided the same visual information as if the user where physically present at the location of the managed computer network element. Thus, at a glance, a user can obtain considerable information about the status of the computer network element as represented by the visual display (Abstract, lines 26-32)". Therefore by combining the server administration system of Viswanath in view of Kekic with the operations interface of Fuchs, a user can obtain operations information about a managed element at a glance.

17. With respect to Claims 9 and 19, the Claim is rejected for the same reasons as Claims 8 and 18 above.

In addition, Kekic discloses: "wherein the second window pane is to display a list of one or more attributes of the monitor managed bean, if the attribute tab is selected (Kekic, Figure 3B, under the heading "Status of "a\_hotspot"", and Col. 24, lines 12-13)".

18. With respect to Claims 10 and 20, the Claim is rejected for the same reasons as Claims 8 and 18 above.



In addition, Kekic discloses: "wherein at least one of the listed attributes includes a value field specifying a current value of the listed attribute (Col. 24, lines 12-13, and Figure 3B, under the heading "Status of "a\_hotspot"", the Table column of Value)".

19. With respect to Claim 21, the Claim is rejected for the same reasons as Claim 18 above.

In addition, the combination of Viswanath and Kekic discloses: "The method of claim 20, further comprising: "entering a value (Viswanath, [0124], lines 15-19) listed in the value field (Kekic, Col. 24, lines 12-13 and lines 18-20 and Figure 6B, object 603) to specify a new value for the attribute (Viswanath, [0069], lines 4-5, specifically the set command)".

20. With respect to Claims 11 and 22, the Claims are rejected for the same reasons as Claims 8 and 18 above.

In addition, Fuchs discloses: "wherein the second window pane is to display a list of one or more operations of the monitor managed bean, if the operation tab is selected ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

21. With respect to Claims 12 and 23, the Claims are rejected for the same reasons as Claims 8 and 18 above.

In addition, Kekic discloses: "wherein the second pane is to display an invoke button to selectively invoke (Col. 55, lines 44-45, and Figure 6B, object 606, specifically button "Edit Value")";

and, Fuchs discloses: "listed operations of the monitor managed bean ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

22. With respect to Claim 32, the combination of Viswanath and Kekic disclose: "The article of manufacture of claim 30, wherein the electronically accessible medium provides further instructions that, when executed by the apparatus, cause the apparatus to display a second window pane having an attribute tab (Kekic, Col. 24, lines 12-13)", and "and display a list of one or more attributes of the monitor managed bean (Viswanath, [0021], lines 1-7), if the attribute tab is selected (Kekic, Col. 24, lines 12-13)".

The combination of Viswanath and Kekic do not disclose: "and an operation tab".

However, Fuchs discloses: "and an operation tab ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath in view of Kekic with the teachings of Fuchs to include support for a interface having an operations tab. Motivation to combine these references comes from Kekic, "As a user looks at the visual display in the graphic user interface, the user is provided the same visual

information as if the user were physically present at the location of the managed computer network element. Thus, at a glance, a user can obtain considerable information about the status of the computer network element as represented by the visual display (Abstract, lines 26-32)". Therefore by combining the server administration system of Viswanath in view of Kekic with the operations interface of Fuchs, a user can obtain operations information about a managed element at a glance.

### ***Response to Arguments***

23. Examiner notes amendments to the specification and the objection to the specification and the objection to the drawings has been removed.

24. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

25. Applicant's arguments, see pg 11, Rejections Under 35 USC 103 filed 08 April 2008 have been fully considered but they are not persuasive. Applicant argues: "Kekic fails to disclose or suggest wherein each node provides an individual report of the resource associated with the monitor managed bean of the node, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location" (pg 11, lines 15-18). Examiner respectfully disagrees, Kekic discloses: "wherein each node provides an individual report of the

resources associated with the monitor managed bean of the node (Col. 2, lines 33-38, where each node has an agent process which stores status data in a database and responds to requests for status from the SNMP manager), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67, where the status database objects are categorized in a tree like data structure) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-41, where agent processes of each network element monitor and control the operation of the network element by maintaining a status database)".

Applicant further argues: "Furthermore, the dependent claims are patentable over the cited references for at least the same reasons set forth above for the independent claims" (pg 11, lines 23-24). Examiner respectfully disagrees, independent claims have been rejected, see above reasons and arguments, therefore dependent claims are not patentable based on the patentability of the independent claims.

### ***Conclusion***

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7:30-5, Fridays 7:30-1.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2100

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL

6/4/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151